

CITY OF AUSTIN  
Board of Adjustment  
Decision Sheet

DATE: Monday September 09, 2019

CASE NUMBER: C16-2019-0002

- Y \_\_\_\_\_ Brooke Bailey
- Y \_\_\_\_\_ Jessica Cohen
- Y \_\_\_\_\_ Ada Corral
- \_\_\_\_\_ Melissa Hawthorne (OUT)
- Y \_\_\_\_\_ William Hodge
- Y \_\_\_\_\_ Don Leighton-Burwell
- Y \_\_\_\_\_ Rahm McDaniel
- Y \_\_\_\_\_ Darryl Pruett
- Y \_\_\_\_\_ Veronica Rivera
- Y \_\_\_\_\_ Yasmine Smith
- \_\_\_\_\_ Michael Von Ohlen (OUT)
- \_\_\_\_\_ Kelly Blume (Alternate)
- Y \_\_\_\_\_ Martha Gonzalez (Alternate)
- Y \_\_\_\_\_ Denisse Hudock (Alternate)

APPLICANT: Ben Robinson

OWNER: E. Salvik, Morningside Des Plaines LLC & Morningside 770 LLC

ADDRESS: 4700 CAPITAL OF TEXAS HWY SB

VARIANCE REQUESTED: The applicant is requesting a variance(s) from the Land Development Code:

- a) Section 25-10-124 (Scenic Roadway Sign District) (B) (1) to increase the maximum sign area on a lot from 64 square feet (required) to 165.88 square feet (requested)
- b) Section 25-10-125 (B) (2) from 12 feet to 17 feet on the right side due to extreme slope of terrain in order to erect a freestanding internally illuminated (individual letters only) located at this site in a "MF-1-CO", Multi-Family - Combined Overlay zoning district; Scenic Sign District.

The Land Development Code sign regulations state that Internal lighting of signs is prohibited, except for the internal lighting of individual letters.

**BOARD'S DECISION: BOA Sept 9, 2019 meeting The public hearing was closed by Chair Don Leighton-Burwell, Board Member Veronica Rivera motions to Postpone to October 14, 2019, Board Member Brooke Bailey seconds on an 11-0 vote; POSPTONED TO OCTOBER 14, 2019.**

EXPIRATION DATE:

**FINDING:**

1. The variance is necessary because strict enforcement of the Article prohibits and reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscape, or topography, because:

OR,

2. The granting of this variance will not have a substantially adverse impact upon neighboring properties, because:

OR,

3. The granting of this variance will not substantially conflict with the stated purposes of this sign ordinance, because:

AND,

4. Granting a variance would not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated, because:

  
Elaine Ramirez  
Executive Liaison

  
Don Leighton-Burwell  
Chairman



**ROBINSON  
CREATIVE**

817.748.5057  
817.488.1818 (fax)

930 S. Kimball Ave., Suite 120  
Southlake, TX 76092

[RobinsonCreativeInc.com](http://RobinsonCreativeInc.com)

September 25, 2019

Board of Adjustments Commissioners  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

Re: Supplemental BOA Request for Sign Variance for 4700 N Capital of Texas Hwy Austin, Texas 78746 (the "Property")

Dear Members of the Board of Adjustments:

Our company, along with local firm, Sprouse Shader Smith (Courtney Mogonye-McWhorter and Terry Irion), represent the owner of Nalle Woods of Westlake. They are seeking a variance from the City of Austin sign ordinance, Section 25-10-124(1)(B), to increase the total square footage allowed and increase height due to topography of the Property and its setback from the right of way.

This letter details our updated variance request based on feedback from the Board during the initial variance hearing on September 9, 2019. The sign has been completely redesigned following the initial hearing. The revised variance request is as follows:

- Total square footage request of 91 square feet (this is 27 square feet over the allowed square footage, but down from initial variance request of 163 sq. ft.)
- A height increase to 17', this request is the same as the initial request due to the severe slope of the property

As shown in the supplemental materials, the updated sign design blends into the Hill Country landscape with natural materials similar to that of surrounding properties.

As previously discussed, the variance is necessary because strict enforcement of the requirements prevents any reasonable opportunity to provide adequate signs on the Property, considering the unique features of the Property including its dimensions, landscaping, and topography. The Property line is located 141' from the pavement of Loop 360. There are various topographical issues, including a 40' vertical rock outcrop on either side of the existing driveway and extreme slope, which prevent a Code compliant sign from being visible from the road. Additionally, there are trees and other vegetation that block the view.

The variance would not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated since this Property has unique topography and has a substantial setback (141 feet) from the pavement that is greater than the setbacks for surrounding properties. The elevation of the sign foundation of approximately 30 feet above the right of way is unique to this Property, and the road expansion project, which includes among other things an on-ramp to Loop 360, is directly in front of this Property.

We greatly appreciate your further consideration of this matter on the grounds detailed above.

Sincerely,



Ben Robinson  
President

## **NALLE WOODS**

4700 N Capital of Texas Hwy,  
Loop 360  
Austin, TX 78746

### **15 SIGN VARIANCE REQUEST**

## **NALLE WOODS APARTMENTS REQUEST A VARIANCE FOR PROPERTY IDENTIFICATION REVIEW SIGNAGE HARDSHIPS**

- Property is behind a 141' TxDot easement.
- New sign setback from 360 must now be 153' and 260' from farthest lane.
- TxDot terminated land lease as of Aug. 6th. ID signs must be removed and utilities work will begin soon.
- TxDot is adding an access lane and shared use path.
- Setback, terrain, elevated topography and obstructions cause severe hardship.
- Public safety is a concern as visitors and emergency responders may fail to identify the community or signal with an intension to turn.

**EXHIBIT 1 - ORIGINAL PROPOSED SIGN**

**NALLE WOODS**

4700 N Capital of Texas Hwy,  
Loop 360  
Austin, TX 78746

**SIGN VARIANCE REQUEST**

D-1/6



D-17

**SIGN VARIANCE REQUEST**

**NALLE WOODS**

4700 N Capital of Texas Hwy,  
Loop 360  
Austin, TX 78746

**EXHIBIT 2 - REVISED PROPOSED SIGN - BOA SUGGESTIONS**



Natural Corten Finish  
(Powder Coated)



Local Austin Limestone

